

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:06CV20

**STATE OF NORTH CAROLINA, *ex rel.*)
ROY COOPER, Attorney General,)
)
)
Plaintiff,)
)
)
Vs.)
)
TENNESSEE VALLEY AUTHORITY,)
)
)
Defendant.)
)
_____**

O R D E R

THIS MATTER is before the Court on Defendant's motion to clarify this Court's Judgment of January 13, 2009. The motion is opposed by Plaintiff. Defendant TVA challenges the timeline imposed by the Court with regard to the installation of scrubbers and SCRs at the John Sevier power plant.

The Court believes that certain issues in this dispute warrant further development. Accordingly, counsel for both parties are requested to appear and present oral argument on the feasibility of the timeline for SCR installation at the John Sevier plant, with an emphasis on why (or why not) it is necessary to locate the SCRs on the site of the current precipitators.

The Defendant shall also explain why and the extent to which the John Sevier plant must be shut down in order to comply with the Court's January 2009 Judgment, including whether such a shutdown would amount to manifest injustice.

The Court will allot each party's counsel one-half hour in which to present its arguments. No evidence will be taken.

IT IS, THEREFORE, ORDERED that counsel shall appear and present oral argument as directed above on **FRIDAY, MARCH 20, 2009,** **AT 11:00 AM**, in the main courtroom, Third Floor, of the U.S. Courthouse in Asheville, North Carolina.

Signed: February 18, 2009


Lacy H. Thornburg
United States District Judge